



Mark A. Keffer  
Chief Regulatory Counsel  
Atlantic Region

RECEIVED  
NOV - 8 2001  
FCC MAIL ROOM

Room 3-D  
3033 Chain Bridge Road  
Oakton, VA 22185  
703 691-6046  
FAX 703 691-6093  
Email Fax No. 202 263-2692  
mkeffer@att.com

November 7, 2001

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: **CC Docket No. 00-251**

*In the Matter of Petition of AT&T Communications of Virginia, Inc., Pursuant to Section 252(e)(5) of the Communications Act, for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc.*

Dear Ms. Salas:

Enclosed for filing on behalf of AT&T and its affiliates, please find an original and 3 copies of AT&T's response to a record request made during the hearings on non-cost issues.

Should you have any questions, please do not hesitate to call.

Sincerely yours,

Mark A. Keffer

cc: Service List  
Enclosures

Handwritten: 013  
Stamp: RECEIVED

**AT&T Response To  
Record Requests  
From The 10/04/01 Transcript  
Of The FCC-VA Arbitration Proceeding**

**FCC Record Request 1 (TR. 551-555)**

From page 550 (lines 10-12):

Now let's [trace the call-flow compensation] the other way, from the AT&T UNE-P customer to the third-party CLEC.

From page 553 (lines 21-22) to 554 (line 1):

Mr. Kirchberger, how does Verizon recover its termination liability that it will incur from the other CLEC?

**Response:**

AT&T does not dispute the call flow compensation outlined by Mr. Gabrielli at page 553 (lines 5-20). Mr. Gabrielli described the call flow compensation (for calls from an AT&T UNE-P customer routed through Verizon to a 3<sup>rd</sup> party CLEC customer) as follows:

In other words, we would charge originating local switching, a common transport, the commonly transport rate elements, and a terminating local switching. In other words, we recover our costs for transiting that call, and we also are recovering the terminating charges that we are ultimately going to be billed from the facility-based CLEC.

However, AT&T's agreement with the compensation scenario outlined by Mr. Gabrielli is predicated on the assumption that for calls in the opposite direction (a 3<sup>rd</sup> party CLEC customer call routed through Verizon to an AT&T UNE-P customer) AT&T does not incur any transport or terminating UNE-P charges from Verizon for terminating the 3<sup>rd</sup> party CLEC customer call. Rather, Verizon would bill terminating Reciprocal Compensation charges to the 3<sup>rd</sup> party CLEC originating the call, as if it had itself

terminated the call, and keep the proceeds (See TR 550, testimony of Mr. Kirchberger). When these two call flow compensation scenarios are both in effect, then Verizon is compensated for all of its costs, including the terminating Reciprocal Compensation charges that Ms. Preiss asked about.

This is the status quo that the New York PSC maintained and that AT&T stated it could live with in response to Ms. Preiss' question (See TR 555-556). The NYPSC stated as follows: <sup>1</sup>

Verizon does not collect either transport or termination charges when a third-party carrier terminates local calls to an AT&T UNE-Platform customer. Instead, it keeps the reciprocal compensation it receives from the carrier that AT&T would otherwise be entitled to....With respect to an AT&T UNE-Platform customer's local calls that terminate to a third-party carrier, Verizon passes the carrier's reciprocal compensation charges, and usage charges, to AT&T for it to pay. AT&T accepts these practices and states that they have worked reasonably well.

In the New York status quo that the NYPSC maintained in its arbitration decision, Verizon in essence acts symmetrically as an agent for the 3<sup>rd</sup> party CLEC in one direction, and for AT&T in the other direction.

If, on the other hand, AT&T is required to bill the 3<sup>rd</sup> party CLEC for the terminating Reciprocal Compensation due it, as Verizon seems to want (See TR 548, testimony of Mr. Gabrielli), while at the same time Verizon collects terminating Reciprocal Compensation from AT&T for traffic in the opposite direction, then AT&T would be put in the untenable position of having to negotiate one half of an interconnection rate with the 3<sup>rd</sup> party CLEC. AT&T would be placed in the position of negotiating a rate for 3<sup>rd</sup> party CLEC calls terminating on AT&T UNE-P, but not AT&T UNE-P calls terminating on the 3<sup>rd</sup> party CLEC, which would be governed by the interconnection agreement between the 3<sup>rd</sup> party CLEC and Verizon. As AT&T argued

to the New York PSC, if the status quo were to be changed as Verizon has urged, then AT&T should be given the right to negotiate reciprocal compensation rates with 3<sup>rd</sup> party CLECs for both originating and terminating traffic transiting Verizon's network. *Id.*, at 48.

---

<sup>1</sup> New York PSC Case 01-C-0095, *Order Resolving Arbitration Issues* (July 30, 2001) at 47.

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**In the Matter of  
Petition of AT&T Communications  
of Virginia, Inc., Pursuant  
to Section 252(e)(5) of the  
Communications Act, for Preemption  
of the Jurisdiction of the Virginia  
State Corporation Commission  
Regarding Interconnection Disputes  
with Verizon-Virginia, Inc.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CC Docket No. 00-251**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of November, 2001, a copy of AT&T's Response to the Record Request from the October 4 Hearings on Non-Cost Issues was sent via hand delivery, facsimile, Federal Express and/or by email to:

Dorothy Attwood, Chief  
Common Carrier Bureau  
Federal Communications Commission  
Room 5-C450  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20544

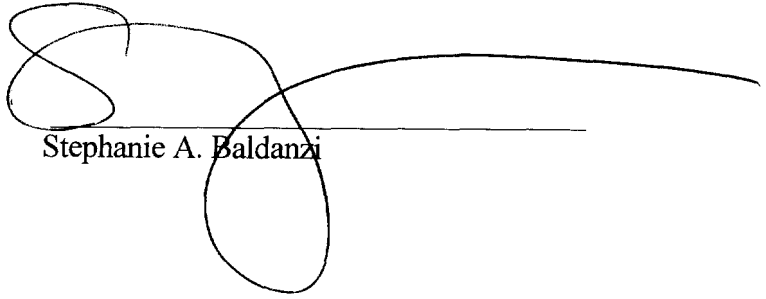
Jodie L. Kelley, Esq.  
Jenner and Block  
601 13<sup>th</sup> Street, NW  
Suite 1200  
Washington, DC 20005  
(for WorldCom)

Jeffrey Dygert  
Assistant Bureau Chief  
Common Carrier Bureau  
Federal Communications Commission  
Room 5-C317  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20544

Jill Butler  
Vice President of Regulatory Affairs  
Cox Communications, Inc.  
4585 Village Avenue  
Norfolk, Virginia 23502

Katherine Farroba, Deputy Chief  
Policy and Program Planning Division  
Common Carrier Bureau  
Federal Communications Commission  
Room 5-B125  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20544

Karen Zacharia, Esq.  
Verizon, Inc.  
1515 North Court House Road  
Suite 500  
Arlington, Virginia 22201

  
Stephanie A. Baldanzi